



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, APRIL 17, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

A Special Meeting is called at 6:30 P.M. for the purpose of conducting Closed Sessions.

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Office Assistant II Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Office Assistant II Malone)

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Numbers:	USDC Northern California No. C01-20857 RMW
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	2

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Name of Cases (3) :	Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States EPA ; Santa Teresa Citizens Action Group et al. v. California Energy Commission ; Santa Teresa Citizens Action Group et al. v. California Energy Commission ;
Case No/Court (3) :	Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil No. 01 CS 01830; California Supreme Court Case No. S 103019
Attendees :	City Manager; City Attorney; Stephan Volker, Special Counsel.

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Name of Case :	City of Morgan Hill v. Panwala
Case No/Court :	Superior Court of Santa Clara County; Case Number CV794195
Attendees :	City Manager; City Attorney

5.

CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Case Name/No.:	Ameron International Corporation v. City of Morgan Hill; Santa Clara County Superior Court Case No. CV 772368

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

South County Collaborative
Deb Smith

PROCLAMATIONS

Fair Housing Month
Jennifer Ortiz, Project Sentinel

Colorectal Cancer Awareness Month
American Cancer Society Representative

Sexual Assault Awareness Month
Debbie Gutierrez and/or Vicki Caballero, Community Solutions

RECOGNITIONS

Recognition of 34 Disaster Services Workers for the City of Morgan Hill
Debbie Simon

OTHER REPORTS

Report from the Finance & Audit Committee.

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #7 and Item #8 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate
Consent Calendar: 1 - 10 Minutes

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1)	<u>MARCH 2002 FINANCE AND INVESTMENT REPORT</u>	1
	<u>Recommended Action(s):</u> <u>Accept and File</u> Report.	
2)	<u>AWARD OF CONTRACT FOR MAIN AVENUE WELL DRILLING</u>	27
	<u>Recommended Action(s):</u> <u>Award</u> Contract to Maggiora Brothers Drilling for the Construction of the Main Avenue Well Drilling Project in the Amount of \$103,879.	
3)	<u>AWARD OF CONTRACT FOR POLYBUTYLENE WATER SERVICE REPLACEMENT PROJECT, PHASE IV</u>	29
	<u>Recommended Action(s):</u> <u>Award</u> Contract to Vulcan Construction and Maintenance, Inc. for the Construction of the Polybutylene Water Service Replacement Project, Phase IV in the Amount of \$329,777.	
4)	<u>EXTENSION OF AGREEMENT AND EXTRA PAYMENT AUTHORIZATION FOR CONTRACT WITH WESTON MILES ARCHITECTS</u>	31
	<u>Recommended Action(s):</u>	
	1. <u>Appropriate</u> \$12,005.65 from Our Unappropriated Public Facilities Impact Fee Fund (347) for These Services, and	
	2. <u>Approve</u> an Extension of the Contract with Weston Miles Architects for Completion of Work Associated with the West Annex and City Hall Renovation Project.	
5)	<u>COMMUNITY AND CULTURAL CENTER PROJECT MARCH CONSTRUCTION PROGRESS REPORT</u>	33
	<u>Recommended Action(s):</u> <u>Information Only</u> .	
6)	<u>CONSULTANT AGREEMENT - DU-ALL SAFETY</u>	41
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Contract Up to a Maximum Amount of \$60,000 with Du-All Safety Incorporated, for the Provision of Safety Program Support and Training through June 30, 2003, Subject to City Attorney Review.	
7)	<u>ZONING AMENDMENT APPLICATION, ZA-01-05: MONTEREY - SOUTH VALLEY DEVELOPERS</u>	49
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Negative Declaration dated February 6, 2002; and	
	2. <u>Direct</u> City Clerk to Replace Negative Declaration dated December 4, 2001, with Negative Declaration dated February 6, 2002.	

City Council and Redevelopment Agency Action

Time Estimate

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Consent Calendar: 1 - 10 Minutes

8)	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 3, 2002</u>	57
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City Council Action

PUBLIC HEARINGS:

Time Estimate

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9)	8 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-01-22: PEAK AVENUE - VILLA HEIGHTS</u> <i>Continued from 4/3/02</i> 87	
		<u>Recommended Action(s):</u> Public Hearing Reconvened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment Ordinance. <u>Motion to Introduce</u> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
10)	15 Minutes	<u>ANNEXATION AND ZONING AMENDMENT APPLICATIONS, ANX-02-01/ZA-02-01: COCHRANE - BORELLO I</u> 121	
		<u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Motion to Table</u> ANX-02-01: Cochrane - Borello I. Action - <u>Motion to Approve</u> Negative Declaration. Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment Ordinance. <u>Motion to Introduce</u> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
11A)	45 Minutes	<u>ZONING AMENDMENT AND DEVELOPMENT AGREEMENT ZA 01-18 & DA 01-09: MCLAUGHLIN- JONES</u> 141	
		<u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Motion to Adopt</u> Resolution, Denying Zoning Amendment. Action - <u>Motion to Adopt</u> Resolution, Denying Development Agreement.	
B)	10 Minutes	<u>SUBDIVISION APPLICATION SD 01-04: MCLAUGHLIN - JONES</u> 217	
		<u>Recommended Action(s):</u> Action - <u>Motion to Take No Action.</u>	
<u>OTHER BUSINESS:</u>			
	Time Estimate		Page
12)	10 Minutes	<u>CITIES ASSOCIATION CITY SELECTION COMMITTEE APPOINTMENTS</u> 223	
		<u>Recommended Action(s):</u> <u>Direct</u> City Clerk to Notify the Cities Association of Council Member's Interest in Serving on Commissions and Boards.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT